

Claims 17-21, 38-42, 44-48, 51, and 54-59 having been withdrawn from further consideration pursuant to 37 CFR 1.142(b), **claims 1-16, 22-37, 43, 49, 50, 52, and 60-65 remain under consideration in the application.**

### **CLAIM OBJECTION**

The Examiner has objected to claim 53 under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Specifically, the Examiner states that the idea that a statement is verbalized already means that a user will have to articulate the statement.

Claim 53 has been canceled thereby obviating this objection.

### **102 REJECTIONS**

a. The Examiner has rejected claims 61-63 under 35 USC 102 (e) as being anticipated by James et al. (US 5,864,844).

The invention disclosed by James et al. is fundamentally an information retrieval system directed to an interface between the user and the computer. As stated in James et al., "The Linkage of diverse alternate systems and the dialogue system provides a user with expanded information access capabilities (col. 4, lines 1-3)." Further, James et al. states: "The present invention thus provides users with a uniform and efficient method for selecting a desired inquiry from a large number of inquiries that an alternate system is capable of processing (col. 4, lines 6-10)."

James et al. is, therefore, directed to formulating inquiries that can be easily understood by the computer. On the other hand, once the inquiry is formulated, the response is predetermined. As James et al. states: "The underlying system delivers the response associated with the inquiry via the response window 210 (col. 11, lines 1-3)." The response is formed and communicated in each case "... by pasting recordings of portions of responses, which are uniform for a number of similar inquiries, with recordings that are specific to the particular inquiry of the user (col. 7, lines 22-27)." Finally, each claim in James et al. either recites a step of "replying with a predetermined answer" (claims 1 and 3) or "means for replying with a predetermined answer" (claim 2).

Applicant's invention, on the other hand, does not provide a predetermined answer for each inquiry but rather is designed to allow a group of inputs (questions/statements/replies) to share different subsets of a list of replies. The reply "No." or "I don't know." may be used to answer many questions. Similarly, the question, "How do you feel about that?" may have a dozen replies. James et al. does not allow either of these possibilities. Applicant's probabilistic model is used to select the provided reply from the plurality of different replies. Applicant's invention simulates varying human behavior rather than providing specific information as a result of a structurally formulated inquiry. Thus, James et al. is not at all similar to Applicant's invention.

Applicant has amended claims 61-63 to add language reciting that each statement selected by the user can have a plurality of different audio responses and video vignettes associated therewith. Because James et al. does not disclose such a system, it does not anticipate claims 61-63.

b. The Examiner has rejected claims 60, 64 and 65 under 35 USC 102(a) as being clearly anticipated by Harless (US 5,730,603).

Applicant's invention is directed to an interactive apparatus and method. Pre-recorded video vignettes simulate a person. A plurality of statements is displayed and can be selected by a user. The simulated person responds to the statement that was selected by a user. Logic means interrelates the statement selected by the user, the audio response and the video vignette. Interrelation of the statement, audio response and video vignette are the crux of the invention. The invention bases this interrelation on an algorithm that provides various "rapport" levels.

Similar to James et al., Harless merely has a one-to-one correspondence with respect to questions and answers. Harless relates to topics and not "states" as does the Applicant's invention. Although Harless mentions that it employs various states, these "states" relate to a particular "scene" (col. 6, lines 31-35) such as "mammograms", "biopsies," etc., not mental or emotional states as in Applicant's invention. In addition, in Harless stand alone statements are used when a question is asked. The questions and answers are not interrelated but rather, there is a one-to-one correspondence, as noted

above. That is, in Harless, one question always has the same answer (see col. 6, lines 26-30, and col. 9, lines 56-64).

In contrast, in Applicant's invention, one question has many different possible answers. Further, in Applicant's invention, the user thinks about the next step and the next question to ask to help make a critical decision. Rapport states and emotional state are very important. A different outcome can be had each time the program is run. This is not the case in Harless.

Applicant's have amended claims 60, 64, and 65 to add language reciting that each statement selected by the user can have a plurality of different audio responses and video vignettes associated therewith. Because Harless does not disclose such a system, it does not anticipate claims 60, 64 and 65.

### 103 REJECTIONS

a. The Examiner has rejected claims 1, 2, 4-6, 9, 10, 14, 15, 43, and 61-63 under 35 USC 103(a) as being unpatentable over James et al. (US 5,864,844).

As discussed above, under the 102 rejection based on James et al., that reference does not disclose a system that can have a plurality of different audio responses and video vignettes associated with each statement selected by the user. The Examiner indicates this when she states in paragraph 9 of her action, "... each of the statements is related to a response ...." Not only does James et al. not disclose a plurality of responses for one statement, James et al. does not even suggest it because, as noted above, James et al. is directed to formulating inquiries that can be easily understood by the computer. *FAC*

Applicant has amended all independent claims remaining under consideration to recite this distinction and because, for the reasons just noted, James et al. does not render obvious independent claims 1, 14, 43, and 61-63, it cannot render obvious dependent claims 2, 4-6, 9, 10, and 15 either.

b. The Examiner has rejected claims 3, 7, 8, 11-13, 16, 22-37, 49, 50, 52 and 53 under 35 USC 103(a) as being unpatentable over James et al. in view of Harless.

Applicant has canceled claims 53 thereby obviating this rejection as to that claim.

Applicant has amended independent claims 1, 14, 22, and 35 as discussed above. For all the reasons also discussed above, James et al. and Harless in combination do not

disclose or suggest a system that can provide a plurality of different audio responses and video vignettes for one statement and, therefore, do not render obvious the independent claims or, as a result, dependent claims 3, 7, 8, 11-13, 16, 23-34, 36, 37, 49, 50, and 52 either.

### CONCLUSION

In view of the above, Applicant submits that each of the presently pending claims in this application is in immediate condition for allowance. Reconsideration and withdrawal of the objection and rejections are requested. Allowance of claims 1-16, 22-37, 43, 49, 50, 52, and 60-65 at an early date is solicited.

Respectfully submitted,

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Enclosure: "Clean" version of claims 1, 14, 22, 35, 43, and 60-65